

**Statement of the Applicant
Request of Special Exception Approval
3917 Military Road, NW**

I. Introduction

Robert Winston Sale and Katherine Leland (together the "Applicant") are the owners of the property located at 3917 Military Road, NW (Square 1750, Lot 57) (the "Property"). The Applicant hereby submits this request for Special Exception approval under Subtitle D § 5201.1 of the Zoning Regulations to allow for a second floor pop-up addition over an existing first floor structure that extends one foot into the required side-yard setback. The proposed addition will not decrease the existing side yard and will not have any adverse impacts on the surrounding community.

II. Board's Jurisdiction

The Board of Zoning Adjustment (the "Board") has jurisdiction to grant the relief requested pursuant to Subtitle D § 5201.1 of the Zoning Regulations, in accordance with the provisions of Subtitle X § 901.

III. Site Location and Characteristics

The Property is located in the R-2 Zone and has a net lot area of approximately 9,000 square feet. The Property is currently improved by a two-story, single-family detached dwelling unit and a detached garage.

IV. Proposed Construction

The original home was built on the property in 1911 with its western wall approximately four feet from the western side yard property line. In 1992, the Property's previous owner constructed a single story bump-out addition on the rear of the home. The western wall of this addition continued along the plane of the western wall of the original home, which was nonconforming with the side yard requirement at that time. In 1992, the Board approved a variance for this first floor addition to the extent that it encroached on the required side yard (BZA Application No. 15749, see Attachment A).

11-D DCMR §206.7 states "[i]n the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5ft.)." The existing home, including the 1992 addition, encroaches into the required western side yard by approximately one foot. The Applicant wishes to pop up the 1992 addition to add a master bedroom and bath suite to a house that currently has only one small second floor hall bath to serve a growing family. Importantly, the proposed extension will not decrease the existing side yard.

As illustrated on the proposed architectural elevations submitted concurrently with this Statement, the Applicant is proposing a design consistent with the existing architecture. Specifically, the proposed addition's window sizes and placement are consistent with the existing home, and the addition's footprint and roofline are designed to reduce its visual mass over the existing first floor structure.

V. Justification

a. The Special Exception Request Meets the General Special Exception Requirements of Subtitle X §901.2

The proposed building extension is consistent with the general purpose and intent of the Zoning Regulations and Zoning Map. The Property is located in the R-2 Zone. The purpose of the R-2 Zone is, among other things, to (1) provide for areas with semi-detached dwellings; and (2) protect these areas from invasion by denser types of residential development. The proposed extension will not change the nature of the existing house on the Property – the Property will continue to be a detached single-family home, used for single-family residential use, as recommended by the General Plan. The extension will simply allow for interior space that is better suited to the needs of the Applicant's family. Specifically, the proposed building extension is necessary to allow for a master bedroom suite with bathroom. Currently, the applicant shares a small hall bath with their two young children, resulting in a lack of privacy and increased family stress during high use periods. Moreover, the existing setbacks at the ground level are not changing as a result of the Special Exception – the proposed extension will maintain the side yard setback established by the original home and the 1992 addition it will be built above (i.e. a 4 foot side yard setback), and will not project beyond the existing first floor rear façade. The existing residence will continue to meet all other development standards required in the R-2 Zone.

The proposed addition will not affect the use of the neighboring properties. As discussed above, the proposed addition will have limited visual impacts on the surrounding neighbors – it will maintain the current separation from the immediately adjacent residence and will not encroach into the light or privacy of the closest neighbor as their roof line descends to the north below the western-facing windows of the proposed addition. Importantly, the Applicant has discussed the proposed extension with their adjacent neighbors to the west (the neighbor most readily impacted by the proposed extension) and they have indicated they are supportive of the Applicant's plans. The air and privacy of the neighbor to the east is protected by a 26 foot wide side yard and mature trees. The neighbor to the east is also supportive of the Applicant's plans.

Given the location of the proposed addition and the existing mature landscaping and tree coverage around the Property, the addition will not be readily visible to any other property owners. Thus, the proposed addition will not adversely affect any neighbor.

b. The Applicant Meets the Specific Requirements of Zoning Regulation Subtitle D §5201.1 for Zoning Relief from Development Standards of the R-2 Zone

Exceptions to the development standards of the R-2 Zone are permitted, pursuant to Subtitle D §5201.1, if the requirements of Subtitle X § 901.2 are met and subject to the following additional provisions:

Section 5201.2. Special Exception relief is applicable only to an addition to a building with only one (1) principal dwelling unit.

The Property is improved with a single-family detached dwelling unit. No accessory dwelling units are constructed on the Property.

Section 5201.3. The proposed addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

The light and air available to the neighboring properties will not be unduly affected by the proposed addition. The proposed addition does not extend further into the side or rear yards than the existing structure and only extends to the second story. The existing home is three stories tall.

In addition, letters of support from the direct neighbors have been obtained and are part of this application.

(b) The privacy and use and enjoyment of neighboring properties shall not unduly be compromised ;

The proposed addition does not affect the privacy or enjoyment of the neighboring properties. New windows facing west will not align with any second story windows on the adjacent neighbor's house because of that house's low roofline. New windows facing east are spaced at least 20 feet from the eastern neighbor and privacy will be preserved by existing mature tree canopy between the homes. The property to the north across the alley is separated by a large garage, fence and tree canopy and will not be able to see the proposed addition from any existing windows. As mentioned above, the adjacent property owners have expressed their support for the proposed addition.

(c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage:

The proposed rear second story addition will not be visible from Military Road. From the rear alley, the proposed addition will conform to the character of the existing house and with the character of other neighboring homes, most of which have rear additions. The proposed addition will not substantially visually intrude upon the character, scale, and pattern of houses along the subject alley frontage.

(d) In demonstration compliance with a, b, and c of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and sectional drawings sufficient to represent the relationship of the proposed addition or accessory structure to the adjacent buildings and views from public ways;

Please see Architectural Plans, Elevations, and photographs in the application file.

VI. Conclusion

For the reasons set forth above, we respectfully request the Board of Zoning Adjustment's approval of the requested Special Exception.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Robert Winston Sale".

Robert Winston Sale

A handwritten signature in blue ink, appearing to read "Katherine Leland".

Katherine Leland

Attachment A

Board of Zoning Adjustment Variance Order

re: Application 15749, November 17, 1992

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15749, of Robert C. Leland and Laura B. Anthony, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing nonconforming structure that does not now meet and will exceed the nonconforming side yard [Paragraph 2001.3(b) and (c)], and a variance from the side yard requirements (Subsection 405.9) for an addition to a nonconforming, detached, single-family dwelling in an R-2 District at premises 3917 Military Road, N.W. (Square 1750, Lot 57).

HEARING DATE: October 28, 1992
DECISION DATE: October 28, 1992 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3G and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3G. ANC 3G, which is automatically a party to the application, filed a written statement of issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 2001.3(b) and (c) and 405.9. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore ORDERED that the application is GRANTED.

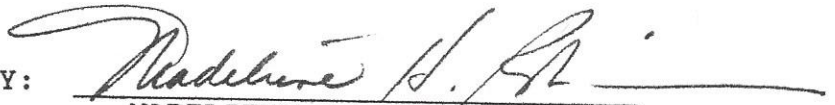
Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

BZA APPLICATION NO. 15749
PAGE NO. 2

VOTE: 4-0 (Angel F. Clarens, Paula L. Jewell, Sheri M. Pruitt
and Carrie L. Thornhill to grant; Tersh Boasberg
not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: NOV 17 1992

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord15749/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

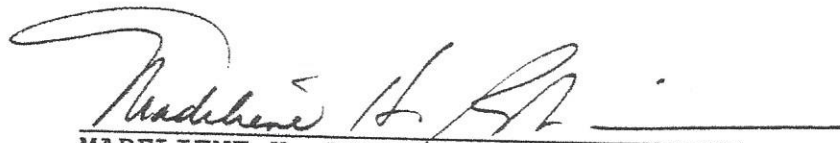


BZA APPLICATION NO. 15749

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 17 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Robert C. Leland
3917 Military Road, N.W.
Wash, D.C. 20015

Robert Diamond, Chairperson
Advisory Neighborhood Commission 3-G
P.O. Box 6252
Washington, D.C. 20015


MADELIENE H. ROBINSON
Acting Director

DATE: NOV 17 1992